

**IN THE HIGH COURT OF JUDICATURE FOR
RAJASTHAN AT JODHPUR**

::::

ORDER

**Shivram
Vs.
State of Rajasthan & Ors.**

**S.B. CIVIL WRIT PETITION NO.5177/2003
UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA.**

DATE OF ORDER :: 05th December, 2006

PRESENT

HON'BLE SHRI JUSTICE MOHAMMAD RAFIQ

Mr.Himanshu Shrimali, Advocate for the petitioner.
Mr.Rameshwar Dave, Dy. Govt. Advocate.

BY THE COURT

Learned counsel for the petitioner has relied upon the
judgment of Division Bench of this Court in D.B. Civil Writ

Petition No.5207/2003 titled as Ashish Saxsena & Ors. vs. State of Rajasthan decided on 09th March, 2004 and has also relied upon two judgments passed by Co-ordinate Benches of this Court in Priyanka Tak vs. State of Rajasthan & Ors. passed in S.B. Civil Writ Petition No.1727/2004 decided on 26th May, 2005 and Jai Narayan Mundra vs. State of Rajasthan & Ors. passed in S.B. Civil Writ Petition No.3997/2004 decided on 02nd September, 2005 and argued that the benefit of bonus marks has been directed to be extended even to those in the list who passed out the degree of B.P.Ed. from out side the State of Rajasthan and accordingly in terms of the aforesaid judgments, the present writ petition be allowed and the respondents be directed to consider the case of the petitioner.

On the other hand, learned Dy. Govt. Advocate submits that even if the benefit of ten bonus marks is extended to the petitioner in terms of the judgment of this Court in Ashish Saxena (supra) the merit of the petitioner would hardly come to 77.640% whereas the last candidate called for interview has secured only 79.03% but no such fact has been mentioned by

the respondents in their reply to the writ petition.

In the result, while allowing the writ petition the respondents are directed to consider the case of the petitioner by adding the bonus marks and if it is found that any candidate lower than him in the merit list to the category he belongs (O.B.C. category) has been appointed, also consider his case for appointment. This exercise should be done within a period of two months from the date of service/receipt of copy of this judgment.

The writ petition is accordingly allowed with no order as to costs.

[MOHAMMAD RAFIQ],J.

AKC.